

*Report
of the
Environmental Assessment
Process
Improvement Team*

January 1994

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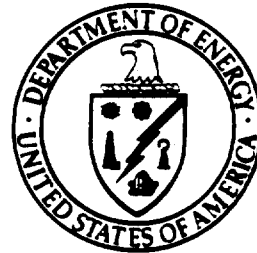
Albuquerque Operations Office

Idaho Operations Office

Kansas City Area Office

Los Alamos Area Office

Oak Ridge Operations Office



* This report (also referred to as the "Earl Bean Report") was the impetus for many of the changes to the DOE NEPA review process made by the Secretarial Policy Statement on NEPA (June 13, 1994; Tab IV-3). Portions of the report that are useful as independent guidance [the Executive Summary, Table of Contents, Appendix A (DOE Example Quality Assurance Plan for the Review of Environmental Assessment Documents) and Appendix B (DOE Internal Scoping of Environmental Assessments)] are reprinted here. Copies of the full report are available from the Office of NEPA Oversight.

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Executive Summary

In late 1992, Department of Energy Weapons Production Plant Managers and Design Laboratory Managers identified a need to reduce review and approval time for NEPA documents, particularly Environmental Assessments (EAs).

As a result of the identified need, a Team composed of DOE Headquarters and Operations Office personnel used a seven-step Process Quality Management Improvement technique to analyze the DOE EA process and recommend improvements.

In step 1, **establish process management responsibilities**, NEPA documentation owners, customers, and stakeholders were identified.

In step 2, **define process and identify customer requirements**, the EA preparation and review process was charted, and time required for preparation and review was analyzed; it was determined that EAs should be thorough, complete, objective, legally sufficient, and understandable.

In step 3, **define and establish measures**, it was determined that guidance for NEPA documentation lacked standards for preparers and reviewers, leading to conflicting expectations of what is required. At the time the Team was being formed, EH-25 was preparing its Recommendations for Preparing EAs and EISs, but more formal Quality Assurance (QA) guidance is needed.

In step 4, **assess conformance to requirements**, areas analyzed included conformance of EA preparation to requirements, conformance of preparation and review cycle time to stakeholder expectations, and chronic problem areas, including EA quality and review time.

In step 5, **process improvement opportunities**, quality improvement opportunities that were identified included implementing EH-25's EA preparation guidance, improving preparer and reviewer training, identifying ownership, establishing a formal QA preparation program, developing standing preparation capability, developing an internal EA scoping process, implementing EA preparation contracting improvements, and refining the EH Recommendations paper based on user feedback. Process cycle time reduction opportunities included improving preparation quality, reducing multiple reviews, delegating EA approval and FONSI authority, developing in-house EA preparation capability, and improving management information and tracking of program review.

In step 6, **rank improvement opportunities and set objectives**, the Team identified but did not rank as to importance the following improvement opportunities:

- Training in the use of EH-25's guide for the preparation of EAs, EH Recommendations for Preparing EAs and EISs.
- A process for integrating NEPA analysis into program and project planning.
- Uniform EA review procedures among Program Offices.
- Quality Assurance programs for preparing and reviewing EAs.
- Delegation of approval authority for EAs and FONSI's from EH to Program Offices and from Program Offices to Operations Offices following establishment and implementation of internal scoping procedures and Quality Assurance programs.
- Annual reviews at which program and project personnel could share EA lessons learned with NEPA compliance officers.
- Audits of Operations Office EA preparation to ensure quality.
- Use of contracting process to ensure EA quality and timeliness.
- Improved systems for scheduling and tracking EAs.
- Clarifying and identifying EA ownership.
- Commitment in DOE policy to quality and timely NEPA documentation.

In Step 7, **improve process quality**, implementation of these recommendations and other improvement actions would result in higher quality preparation processes and an overall reduction in the time required for the review, revision, and approval process. The Team recommends that EH take the lead to implement these recommendations.

DOE Example Quality Assurance Plan for the Review of Environmental Assessment Documents

I. Introduction

NEPA is the federal government's basic charter for assuring protection of the environment. Environmental Assessments are NEPA documents that analyze the environmental impacts of proposed actions and alternative actions and aid the Department of Energy in planning these projects. The preparation and review of Environmental Assessment Documents can take several months to complete, therefore it is essential to consider quality assurance requirements for these documents early in the NEPA process.

Note: This example Quality Assurance Program Plan for the Review of Environmental Assessment Documents is based on the Kansas City Area Office Quality Assurance Program Plan for the review of Environmental Assessment Documents. This example quality assurance program plan is not meant to be adopted as a plan that will be adequate in all situations for any DOE facility. Other DOE facilities wishing to develop similar quality assurance plans may need to modify this for their site-specific factors.

This Quality Assurance Plan defines policy, responsibilities, minimum requirements, and provides guidance for implementing a comprehensive quality assurance program for the review of Environmental Assessment Documents at the Department of Energy's (facility name).

II. Scope

The process requirements, established in this Quality Assurance Plan (QAP), shall be applied to the review of the National Environmental Policy Act (NEPA) Environmental Assessment (EA) Documents, as covered by DOE Order 5700.6C, "Quality Assurance".

III. References

40 CFR 1500-1508, "Council on Environmental Quality National Environmental Policy Act (NEPA) Implementation Procedures; Appendices"
10 CFR 1021, "Department Of Energy National Environmental Policy Act (NEPA) Implementing Procedures"
10 CFR 1022, "Department Of Energy Compliance with Floodplain/Wetlands Environmental Review Requirements"
DOE Order 5440.1E, "National Environmental Policy Act"
DOE Order 5700.6C, "Quality Assurance"
Other internal program drivers as appropriate

Note: The following sections use the Kansas City Area Office organization as the example. Each DOE office preparing a Quality Assurance Plan would need to substitute its organization and appropriate roles and responsibilities in these sections.

IV. Organizational Roles and Responsibilities

A. Organization

The organizational structure for the Kansas City Area Office ES&H Branch can be found in Attachment A.

B. The ES&H Branch Chief shall be responsible for:

- approving the contractor's Quality Assurance Program Plan (QAPP),
- approving the EA before submittal to the Operations or Program Offices,
- and updating this QAP, as required, to incorporate additional customer requirements and expectations.

C. The Environmental Manager shall be responsible for:

- reviewing the contractor's QAPP prior to approval by the ES&H Branch Chief,
- and reviewing the EA document.

D. The Environmental Staff shall be responsible for:

- providing support to the Environmental Manager for the above stated responsibilities

Further explanations of these responsibilities are stated in the sections following.

V. Approval of Contractor's Quality Assurance Program Plan

The Environmental Manager shall evaluate the contractor's Quality Assurance Program Plan (QAPP) for the Preparation and Review of Environmental Assessment Documents to assure that it adequately addresses the technical and environmental requirements stated in the Section C References. An example NEPA Quality Assurance Program Plan designed to be used as an outline for the preparation of site-specific NEPA QAPPs is included as Attachment C.

The Operations Quality Assurance (OQA) Manager shall evaluate the contractor's QAPP to assure compliance with the quality requirements outlined in DOE Order 5700.6C, "Quality Assurance."

The ES&H Branch Chief shall provide approval of the contractor's QAPP, based upon input from the Environmental and OQA Managers.

VI. Review of Environmental Assessment (EA) Document

The Environmental Manager shall review the EA document to assure that:

- The contractor's QAPP requirements are present and adequate.
- The customer's requirements and expectations are fulfilled. This shall be accomplished by completing the checklists found in Attachment B and by performing a thorough technical and editorial review. The checklist was prepared based upon CEQ NEPA Regulations (40 CFR 1500), DOE NEPA Regulations (10 CFR 1021), Albuquerque Field Office NEPA Guidance Memoranda, EH-25's "Recommendations for the Preparation of Environmental Assessments and Environmental Impact Statements," and other related federal environmental, safety, and health laws and regulations. *The checklist is not meant to substitute for the original laws, regulations, and guidance. The checklist is not meant to replace professional knowledge, and it is not a substitute for thorough technical and editorial review of the EA Document.*

The OQA Manager shall review the EA package to ensure that the ES&H checklists are complete and acceptable. Evidence of this will be provided by a signature on the concurrence ladder of the transmittal memo to the Operations or Program Offices.

The Area Office Counsel shall review the EA package to ensure that the EA is legally sufficient. Evidence of this will be provided by a signature on the concurrence ladder of the transmittal memo to the Operations or Program Offices.

The ES&H Branch Chief shall submit the EA document to the Operations or Program Office based upon input from the Environmental Manager, the OQA Manager, and the Area Office Counsel.

VII. Assessment of Process

An audit schedule is to be set up at the time the need for the preparation of an EA is defined. This shall include audits applicable to each individual EA.

VIII. Training

Personnel performing activities shall have the proper qualifications to assure suitable proficiency and adequate capabilities are achieved. Initial training shall be accomplished by attendance at a NEPA training course approved by the ES&H Branch Chief. Update training shall be required as needed to maintain competence; such training shall complement and enhance the content of the initial training. Update training may be accomplished either on-the-job, attendance at a quarterly NEPA Compliance Officer Meeting, or other methods as approved by the ES&H Branch Chief.

Attachment A

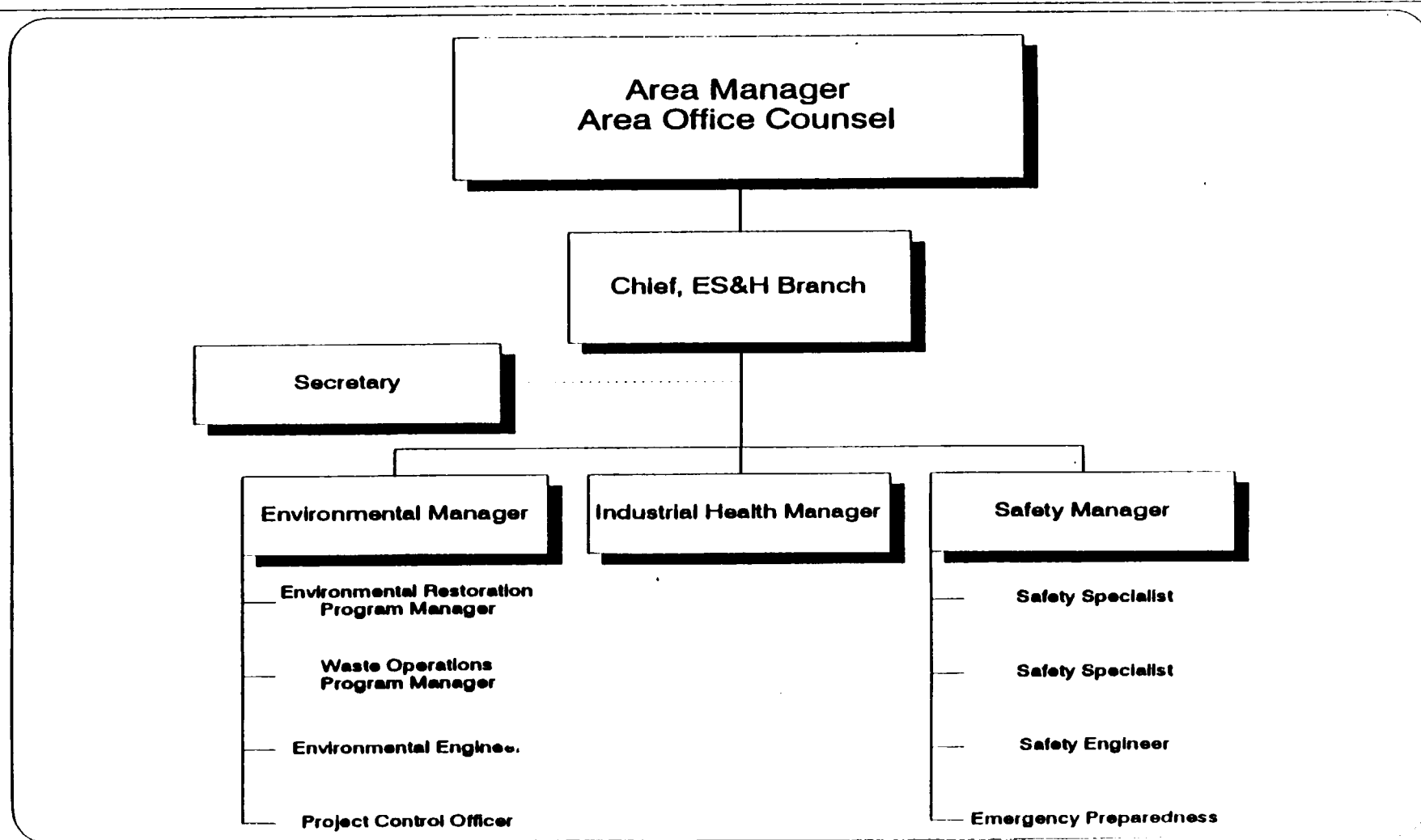
The Kansas City Area Office ES&H Branch Organizational Chart



U. S. Department Of Energy

Kansas City Area Office

Environment, Safety and Health Branch



Attachment B

Checklist with Regulatory Requirements and Customer Expectations

The Kansas City Area Office developed a checklist to be used as an aid in reviewing Environmental Assessment Documents prepared for the Kansas City Area Office. This checklist is not meant to replace professional knowledge and is not a substitute for thorough technical and editorial review of the Environmental Assessment Document. Only one example page is attached from the Kansas City Area Office Checklist.

EH-25 is considering developing a comprehensive checklist that can be adapted to the needs of each particular DOE Site.

SAMPLE CHECKLIST PAGE

DRAFT - December 30, 1993

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Statement of Purpose and Need						
	Yes	No	NA	Adequacy* (1,2,3)	Page	Comments
Does the statement of purpose and need describe the need for DOE action? [40 CFR 1508.9]						<p>This page is part of a checklist developed by the Department of Energy Kansas City Area Office to be used as an aid in reviewing Environmental Assessment Documents prepared for the Kansas City Area Office. Checklist items are based upon NEPA, the CEQ NEPA Regulations, DOE NEPA Regulations, EII-25 Recommendations for the Preparation of Environmental Assessments and Environmental Impact Statements, and other guidance and regulations as applicable.</p> <p>EII-25 is developing a more comprehensive checklist that can be adapted to each particular site's specific needs. EH plans to provide the more comprehensive checklist to NEPA Compliance Officers in the near future. The format of the EH-25 checklist may vary somewhat from this format.</p>
Does the statement of purpose and need relate to the broad requirement or desire for agency action, and not to the need for the specific proposal?						
Is the statement of purpose and need written so that it does not inappropriately limit the range of reasonable alternatives?						
Does the statement of purpose and need identify the problem or opportunity to which the agency is responding?						

Discussion of Alternatives						
	Yes	No	NA	Adequacy* (1,2,3)	Page	Comments
Does the EA address a range of reasonable alternatives that satisfies the agency's purpose and need?						
Is a graded approach (sliding scale) used when determining how many alternatives to identify and the depth of analysis?						
Is there an explanation of why alternatives that appear obvious or have been identified by the public are not reasonable?						
Are reasonable alternatives outside the DOE's jurisdiction addressed?						

*Adequacy Definitions: 1 - Fully Meets Requirements 2 - Essentially Meets Requirements 3 - Does not meet requirements

Attachment C

Contractor Example NEPA Quality Assurance Program Plan

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NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE PROGRAM QUALITY ASSURANCE PROGRAM PLAN

1.0 BACKGROUND

[This section discusses the requirements and applicability of NEPA. The following is an example of text that could be included in this section.]

Compliance with NEPA is required for all proposed DOE activities affecting the quality of the environment of the United States, its territories or possessions. NEPA requires the analysis and consideration of environmental impacts in Federal Government decision making. All DOE activities performed at the (Site Name) must be reviewed and evaluated for potential environmental impact. Preparation and review of NEPA documents can take several months. It is essential to consider NEPA requirements early in the planning process because (1) DOE regulations require it; (2) It makes for better planning and decision making, and (3) It avoids potential delays/costs to project. DOE must comply with the requirements of NEPA before a proposed action reaches a stage where significant resources are committed.

(Site Name) implementation of this DOE requirement is documented in Operating Procedure (List all site operating and administrative NEPA procedures here) and individual internal procedures within the affected organizations. The development of a Quality Assurance Program will assure continued compliance with NEPA by requiring and evaluating all controls and documents used to implement the program.

This Quality Assurance Program Plan is applicable to all activities performed in conjunction with the (Site Name) National Environmental Policy Act Compliance Program. Some requirements, and supplemental requirements may be delegated to qualified subcontractors, but the (Site Name) retains responsibility for the delegated functions and activities.

2.0 DRIVERS

The DOE has various orders and memoranda which outline authorities and responsibilities within the DOE as well as requirements for document preparation. These requirements are illustrated in Figure 1, NEPA Environmental Assessment Document Hierarchy.

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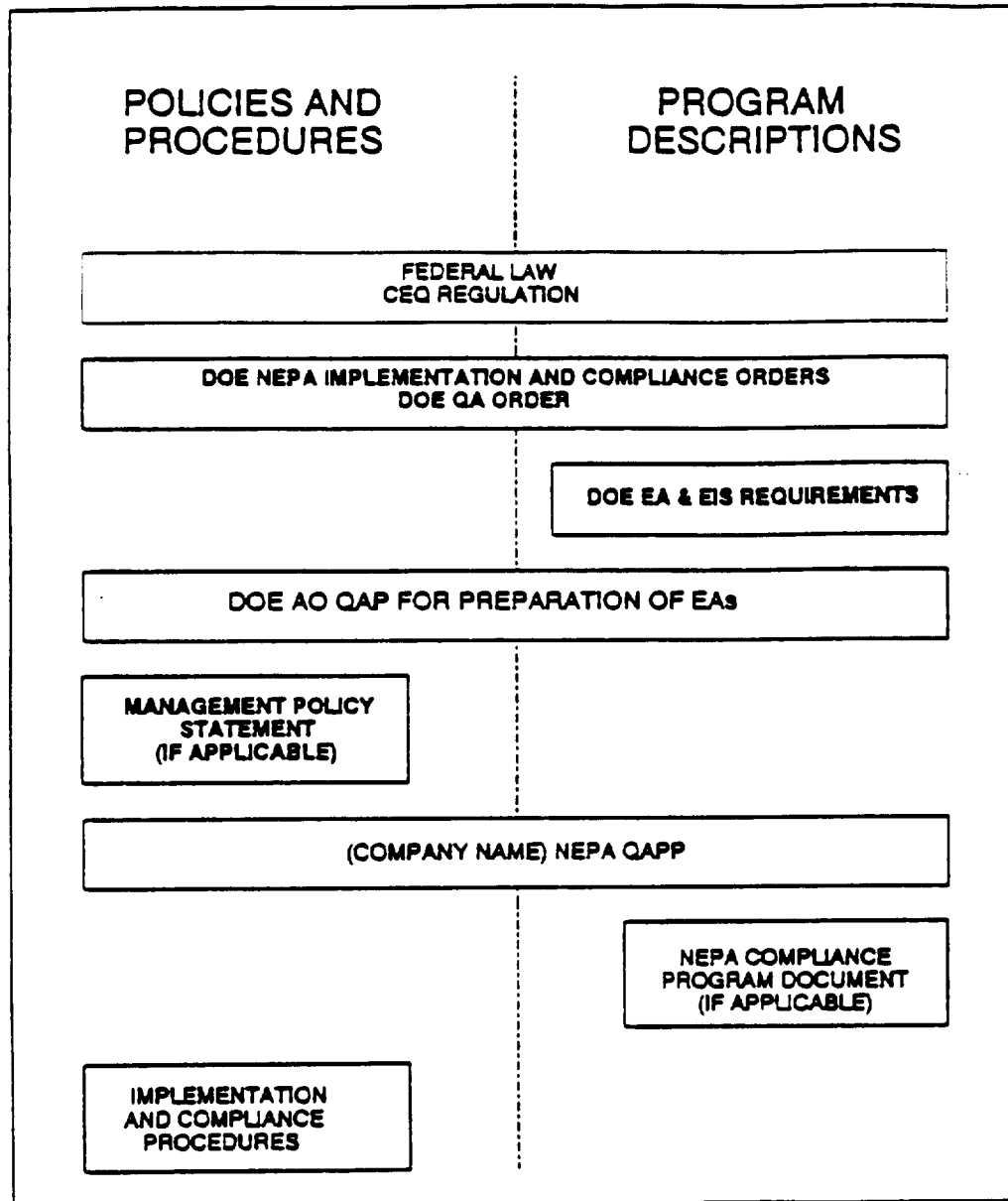


Figure 1. NEPA ENVIRONMENTAL ASSESSMENT
DOCUMENT HIERARCHY

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The following documents are used to develop and implement the (Site Name) NEPA Compliance Program. Environmental Assessments (EAs) will be developed utilizing the applicable requirements of these documents. If additional customer requirements are added, this QAPP will be revised to reflect the most current requirements.

National Environmental Policy Act (NEPA) Program Drivers

40 CFR Parts 1500-1508, Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act

10 CFR 1021, National Environmental Policy Act (NEPA); Implementing Procedures and Guidelines Revocation

DOE-HQ, Recommendations for the Preparation of Environmental Assessments and Environmental Impact Statements (May 1991)

Secretary of Energy Notice (SEN) 15-90, National Environmental Policy Act, dated February 5, 1990

DOE Order 5440.1E, National Environmental Policy Act Compliance Program

DOE-Field Office NEPA Order or Directive(s)

10 CFR 1022, Compliance With Floodplain/Wetlands Environmental Review Requirements

DOE-Field Office NEPA Guidance Memorandum

(Site Name) NEPA Management Policy Statement

(Site Name) NEPA Operating Procedure (OP)

(Site Name) NEPA Administrative Procedure (AP)

(Site Name) NEPA Internal Procedure(s)

(Site Name) National Environmental Policy Act (NEPA) Compliance Program Document

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DOE Order 5700.6C, Quality Assurance

DOE-Area Office, Quality Assurance Program for Preparation of Environmental Assessments

(Site Name) Quality Assurance Program Plan

(Site Name) NEPA Quality Assurance Program Plan

(Site Name) Operations Quality Assurance Manual

3.0 GENERAL

[This section provides an overview of managerial and organizational responsibilities and commitments. An organizational chart can be used to highlight organizations with responsibility for NEPA Compliance. Listed below is an example of how this section could be structured.]

The (Site Name) National Environmental Policy Act (NEPA) Compliance QAPP is written to show how the (Site Name) NEPA Compliance Program satisfies the applicable requirements of DOE Order 5700.6C, Quality Assurance. In order to clearly demonstrate this relationship, the (Site Name) NEPA Compliance Program QAPP is arranged to match the format of DOE Order 5700.6C, Attachment 1, Quality Assurance Program Implementation Guide.

Through implementation of the (Site Name) NEPA Compliance Program QAPP, (Site Name) will successfully accomplish the objective of providing and maintaining a prevention oriented program. A proactive, preventative approach to NEPA compliance activities will ensure deliverables meet requirements and satisfy DOE's expectations, now and in the future.

Figure 2 provides the structure for organizations having responsibilities in the (Site Name) NEPA Compliance Program.

Approved by: _____

DISPLAY COMPANY ORGANIZATIONAL CHART
INCLUDE ALL ORGANIZATIONS WITH
RESPONSIBILITY FOR NEPA COMPLIANCE

Approved by: _____

4.0 QUALITY ASSURANCE CRITERIA

Include subsections describing the applicable quality assurance criteria in the areas of management, performance, and assessment as identified in DOE Order 5700.6C. Descriptions of the content of each subsection listed below are included in the DOE Order 5700.6C, Section 9.b. Quality Assurance Criteria.

4.1 Program

In this section describe in detail, all organizations within your site with responsibilities and authority for NEPA Compliance.

4.2 Personnel Training and Qualification

Discuss NEPA training for responsible individuals (program coordinators) as well as document preparers.

4.3 Quality Improvement

Discuss or refer to quality control measures used during document preparation and review.

4.4 Documents and Records

In this section, include a discussion of the tracking system used for tracking NEPA documentation.

4.5 Work Processes

Discuss processes for document initiation and review. Refer to specific procedures for detail.

4.6 Design

This criteria may not be applicable based on individual site NEPA implementation. Refer to DOE Order 5700.6C for detailed description.

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4.7 Inspection and Acceptance Testing

This criteria may not be applicable based on individual site NEPA implementation. Refer to DOE Order 5700.6C for detailed description.

4.8 Management Assessment

Include a discussion of internal assessments performed by individuals/organizations responsible for program compliance.

4.9 Independence Assessment

Include a discussion of assessments performed by individuals/organizations (internal or external) who are not responsible for program compliance.

APPENDIX B

DOE Internal Scoping of Environmental Assessments

This paper discusses an approach for conducting informal internal scoping for DOE Environmental Assessments (EA). In order to improve the quality of first drafts of DOE EAs and increase the involvement and understanding of the DOE program managers, several groups within DOE and the EA preparer must have a common understanding of the EA process and the expected content of the document. Internal scoping should promote that understanding. DOE internal scoping should occur early in the project development cycle, when sufficient information about the basic parameters is available to permit discussion of the issues. This activity should be viewed in the first step in the process of preparation of the EA. It may occur at the point where the management and operating (M&O) contractor or other project proponent has decided to recommend to DOE that an EA would be the appropriate level of NEPA documentation but has not started writing the EA. Internal DOE scoping should be initiated by the DOE EA owner. The purpose of the internal scoping process is to determine issues and alternatives that need to be evaluated in an EA and the depth of analysis required. Scoping may occur in one or a few meetings, or through an exchange of memoranda if the project is very straight forward.

Internal DOE scoping would not replace the need or desire for public input through either a public EA scoping process or involvement of stakeholder or other interested groups. Internal scoping would still be beneficial to get more interdisciplinary input and obtain DOE concurrence on the proposed scope and level of analysis before the proposal is presented to external groups.

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Scoping the EA

Internal scoping should occur when a concept is first defined as a proposal and can be meaningfully evaluated. It may occur before the DOE EA determination if the determination may be controversial or if a better DOE understanding of the proposal would be beneficial. Scoping is intended to be an informal exchange of information to ensure the best product and a common understanding of the task. The participants should include the contractor project/design engineer and program manager, the DOE program/project manager, a contractor environmental/NEPA specialist, the field counsel, the DOE field NEPA Compliance Officer (NCO) or field NEPA Point of Contact, and other environmental specialists as appropriate. Depending on the complexity, the degree of public concern or technical controversy regarding an action, the DOE-HQ program manager and NCO, EH-25 and GC-11 may need to be involved.

The first part of the discussion should center on the purpose and need for the action so that the scope of the proposal and the reasonable alternatives may be identified and agreed upon. The description of the proposed action should include all project requirements for construction and operation, i.e. utilities, office space, number of workers, land area required, transportation requirements, any other related or connected actions necessary to allow the project to proceed, and any schedule requirements or development of a schedule, see Appendix D. It should also be determined if other existing or ongoing NEPA reviews related to the action could be used for tiering or referencing and whether and how any public participation activities should occur. Public participation could include EA scoping (either a published notice that an EA is being prepared and that DOE would accept comments or an announcement of a public meeting), or public review and comment on a pre-approval EA or a proposed FONSI. Any public involvement issues or needs should be raised. The postulated environmental impacts and the potential significance of the impacts should be discussed to the extent that they are known. This information should be of a depth appropriate for making a

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NEPA determination, preparing a project schedule consistent with the NEPA process, and beginning the EA.

Depth of Analysis in the EA

Internal DOE scoping should include a discussion of the depth of analysis of impacts from implementing the proposal and where the proposal fits on the "sliding scale of significance" (see "Recommendations for the Preparation of Environmental Assessments and Environmental Impact Statements", U.S. DOE Office of NEPA Oversight, May 1993). The scoping group also needs to review the potential impacts, the significance of the impacts, and the level of public concern over particular impacts, i.e. air, surface water, groundwater, wetlands. The types of analysis to be conducted for the EA, including any field data that must be collected, computer modeling to be performed, and accident scenarios to be evaluated should be discussed. It may also be appropriate for the document preparers and people doing the modeling to communicate their information needs to the project engineers during this meeting to make sure that information is available early enough in the process. The HQ program manager and NCO, EH-25, and possibly GC, may wish to participate in this part of the discussion, again depending on the complexity of the proposal. Since this information is not expected to be available in detail at this point in the evaluation, the scoping session(s) should be used to identify areas that need analysis and to discuss the depth of analysis that would be appropriate based on the preliminary information available and the sliding scale approach to NEPA analysis. The purpose of having a variety of disciplines and interested parties together at the meeting is to ensure that there are as few surprises during the analysis and EA preparation as possible.

Products of DOE Internal Scoping

This process should result in a record of participants involved and decisions reached, as well as any non-consensus opinions. The decisions should include the scope of the

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analysis (to include purpose and need, and proposed action), a list of alternatives to be evaluated, the depth of analysis required for the potential environmental impacts, public involvement to be pursued, any schedules developed, and NEPA analyses from which to tier or to reference, when appropriate. This information should then be given to the EA preparers as their scope of work from DOE. It should also be maintained in project files to refresh corporate memories as the analysis progresses. The record may include target schedules and designated contacts or reviewers. If the analysis reveals new or more significant impacts than described the direction may need to be modified.

Factors Influencing Selection of Scoping Participants

As discussed above, the amount of resources invested in the internal scoping of an EA should be proportional to the complexity, environmental impact and degree of existing or potential public concern and technical controversy of the action. Some issues to consider when developing the list of participants are: public controversy, range of environmental issues, complexity of the proposed action itself, proposed actions closely related to actions normally requiring an EIS, proposed actions related to ongoing NEPA reviews, proposed actions with schedules defined by milestones in negotiated agreements with regulatory agencies, or proposals with perceived or potential severe safety hazards. As the complexity/controversy increases, the level of interest by HQ programs, EH-25 and GC increases, and their involvement early in the EA process should be considered.

While scoping prior to a determination may not benefit from EH or GC involvement and would probably not be considered a part of their role in the NEPA process, the HQ program office, including the NCO, should be involved in controversial determinations. EH-25 and GC should be considered for involvement in the discussions related to where the proposal fits on the sliding scale of significance. The HQ program office and NCO may choose to discuss the proposal with EH and GC to determine whether they should be involved.

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Conclusion

The end result of the internal scoping process should benefit and strengthen the DOE NEPA review process by leading to a common understanding early in the review cycle among all team members of what the EA analysis will include. This, in turn, should facilitate and expedite review and approval of the EA when the analyses are completed.

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